

Remarks

Entry of the amendments, reconsideration of the application, as amended, and allowance of all pending claims are respectfully requested. Upon entrance of this amendment, claims 1, 3-5, 7-10, 12-34, 36-38, 40-43, 45-69, 71-73, 75-78 & 80-101 will be pending.

Independent claims 1, 24, 34, 57, 67-69 & 92 are amended herein to more clearly point out and distinctly claim certain aspects of applicants' invention. A substantial portion of these amendments incorporate the subject matter recited in dependent claims 2, 6, 11, 35, 39, 44, 70, 74, 79 & 102 (canceled herein) (i.e., specific business functions performed via the automated trusted agent). Further, the above-noted independent claims are amended to clarify that the public business trading hub is independent of the plurality of entities associated with the exchange (e.g., customers, suppliers and the Original Equipment Manufacturer (OEM)). For support of this amendment, reference applicants' specification at p. 8, lines 11-13; p. 20, lines 12-13; and FIG. 4A). Still further, the independent claims are amended to recite that aspects of the business functions are defined by at least one entity of the plurality of entities. For support of this amendment, see p. 15, lines 26-27 and p. 19, lines 14-16 of the specification, which describe one entity's (i.e., the OEM's) strategic pricing terms as having been negotiated by that entity. No new matter is added to the application by any amendment presented.

In the Office Action, claims 1-102 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes et al. (U.S. Patent No. 5,970,475; hereinafter, "Barnes") in view of Meltzer et al. (U.S. Patent No. 6,125,391; hereinafter, "Meltzer"), in view of Takriti (U.S. Patent No. 6,021,402) and further in view of Rosen (U.S. Patent No. 6,205,436). Applicants respectfully, but most strenuously, traverse this rejection to any extent deemed applicable to the claims presented herewith.

An "obviousness" determination requires an evaluation of whether the prior art taken as a whole would suggest the claimed invention taken as a whole to one of ordinary skill in the art. In evaluating claimed subject matter as a whole, the Federal Circuit has expressly mandated that functional claim language be considered in evaluating a claim relative to the prior art.

Applicants respectfully submit that the application of these standards to the independent claims presented herewith leads to the conclusion that the recited subject matter would not have been obvious to one of ordinary skill in the art based on the applied patents.

Applicants recite a technique for facilitating the exchange of commodities that includes utilizing a public business trading hub in the exchange of one or more commodities, wherein a plurality of entities is associated with the exchange, and wherein the public business trading hub is independent of the plurality of entities (e.g., claim 1, as amended herein). The technique further includes performing, via an automated trusted agent, one or more selected business functions that include managing at least one of (i) one or more pricing terms; (ii) one or more contract terms; (iii) one or more strategic relationships; (iv) one or more business processes associated with supply and demand of commodities; and (v) one or more product schedules associated with the exchange. The above-listed (i) through (v) of the one or more selected business functions (hereinafter referred to as “aspects” of the selected business functions) are defined by at least one entity of the plurality of entities.

Advantageously, applicants’ technique allows an automated trusted agent (via performing the above-listed business functions) to add private relationships and hierarchical authority to a public business trading hub, thereby allowing, for example, selected mission critical aspects of a fulfillment process (e.g., confidential preferential pricing terms) to be shielded from certain entities while allowing non-critical information to freely flow between entities via the public business trading hub.

Applicants’ above-summarized invention thus includes, in part, performing one or more of the above-listed selected business functions (i.e., the automated trusted agent managing at least one of business function aspects (i) through (v)), and at least one entity of the plurality of entities that defines at least one of the aspects of the selected business functions. Defining the aspects of the business functions by the at least one entity is distinguished from managing the aspects via the automated trusted agent. For example, the OEM defines preferential pricing terms by its negotiations with component suppliers. After the pricing terms are defined by the OEM, the automated trusted agent manages the pricing terms by, for instance, shielding the

pricing terms from other entities that are using the public business trading hub. Applicants respectfully submit that at least the above-described features of the claimed invention are not taught, suggested or implied by Barnes, Meltzer, Takriti or Rosen, alone or in combination.

Barnes discloses an electronic procurement system that enables a purchasing organization to electronically transact for the purchase and supply of goods/services (see Abstract thereof). Buyers and suppliers using the system in Barnes are authenticated by a certificate authority (see col. 24, lines 60-61; FIGs. 3 & 7). The procurement system using the functionality of a certificate authority in Barnes is quite different from applicants' recited exchange of commodities that employs one or more of the above-listed selected business functions performed via the automated trusted agent.

For example, applicants recite one or more selected business functions performed via a trusted agent that include managing at least one of one or more: pricing terms, contract terms, strategic relationships, business processes associated with supply and demand of the commodities, and product schedules. In contrast, the trusted party in Barnes (i.e., the certificate authority), implements none of the recited selected business functions. Instead, the certificate authority in Barnes administers a security feature whereby buyers and suppliers are authenticated prior to any messages being exchanged between their respective servers (col. 13, lines 26-30; col. 24, lines 60-61).

Further, applicants recite at least one entity of the plurality of entities defining at least one aspect of the one or more selected business functions. Applicants respectfully submit that Barnes is deficient relative to this recited feature as well. Since Barnes fails to disclose the above-noted business functions, it also fails to describe or suggest an entity defining aspects of those business functions.

For the reasons stated above, applicants respectfully submit that Barnes fails to teach or suggest the above-described selected business functions performed via the automated trusted agent, as well as the entity that defines the at least one aspect of the one or more selected

business functions. Further, applicants submit that Meltzer does not overcome these deficiencies of Barnes as applied to applicants' invention.

Meltzer describes an infrastructure for connecting businesses with customers, suppliers and trading partners. Under this infrastructure, companies exchange information using predefined machine-readable documents based on, for example, XML (Extensible Markup Language) and described by business interface definitions (BIDs) (see Col. 2, lines 32-54). Applicants respectfully submit that Meltzer does not disclose or suggest an automated trusted agent, let along such an agent by which one or more selected business functions are performed (i.e., the above-listed selected business functions), as recited by the present invention (see FIG. 1 of Meltzer). Moreover, applicants respectfully submit that Meltzer also lacks any teaching or suggestion of applicants' recited at least one entity of the plurality of entities defining at least one aspect of the one or more selected business functions.

Based on the foregoing, applicants respectfully submit that Meltzer, like Barnes, fails to teach or suggest the one or more selected business functions performed via the automated trusted agent, nor the manner in which at least one aspect of the one or more selected business functions is defined. Further, applicants submit that Takriti does not overcome the deficiencies of Barnes and Meltzer, as applied to the present invention.

Takriti discloses a computer-based risk management system that schedules the generating units of an electric utility. This system includes forecasts of electricity demands, fuel prices and power trades with other utilities (see Abstract; Col. 4, lines 50-61). Like Meltzer, applicants respectfully submit that the decision-making tool disclosed in Takriti is simply not directed to an automated trusted agent (see FIG. 2 of Takriti). Since Takriti fails to disclose an automated trusted agent, applicants submit that the above-described business functionality relative to the trusted agent (e.g., managing one or more contract terms associated with the exchange) and the defining of aspects of the selected business functions, as recited by the claims presented herewith, is also not taught or suggested therein.

For the above reasons, applicants respectfully submit that Takriti, like Barnes and Meltzer, fails to teach or suggest multiple features recited in the present invention. Further, Rosen shares these same deficiencies relative to applicants' claimed invention.

Rosen describes an open electronic commerce system that includes trusted agents that secure communications with money modules (see Abstract thereof). Like the certificate authority in Barnes, the trusted agents in Rosen implement security measures to ensure secure communication sessions. These security measures, however, do not describe or suggest the above-noted selected business functions recited in the claims presented herewith. For example, there is no teaching or suggestion in Rosen of performing a selected business function that includes managing one or more contract terms associated with an exchange of commodities, as recited in the present invention.

For all the above reasons, applicants respectfully submit that independent claims 1, 24, 34, 57, 67-69 & 92 are patentable over the combination cited by the Office Action. Further, the dependent claims are believed patentable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their own additional characterizations.

Finally, the Office Action states a 35 U.S.C. 101 rejection of claims 69-101 for "failing to define a functionality comprising a concrete and tangible result." This rejection is respectfully, but most strenuously traversed. Both claims 69 & 92 recite as at least one program storage device readable by a machine, tangibly embodying at least one program of instructions executable by the machine to perform a method of facilitating the exchange of commodities. Claim 69 expressly recites utilizing a public business trading hub in the exchange of one or more commodities. Thus, this claim clearly recites a concrete and tangible result, i.e., the exchange of the one or more commodities. In accordance with claim 69, the method includes performing one or more selected business functions that include managing one or more pricing terms associated with the exchange. Again, this management of pricing terms is a concrete and tangible result. Claim 92 recites a method of facilitating the exchange of commodities, which includes requesting by a first entity the obtaining of one or more commodities of a product, wherein the one or more commodities are obtained from one or more second entities via a public business

trading hub. The method further includes using an automated trusted agent to interface between the first entity and the second entities, wherein one or more aspects associated with obtaining the one or more commodities are controlled by the automated trusted agent. This claim thus recites a result in that the one or more aspects associated with obtaining the one or more commodities are controlled by the automated trusted agent.

Based on the foregoing, applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. 101 rejection of claims 69 & 92, and their respective dependent claims 70-91 & 93-101. As indicated in the previous response, applicants again submit that should the Examiner continue to entertain reservations regarding these claims, the Examiner is requested to more particularly explain the basis for the rejection since applicants' undersigned representative has not seen such a rejection by the U.S. Patent Office before regarding the wording of such program storage device claims.

Should the Examiner wish to discuss this case with applicants' attorney, the Examiner is invited to contact applicants' representative at the below-listed number.

Respectfully submitted,



Kevin P. Radigan
Attorney for Applicants
Registration No. 31,789

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HESLIN ROTHENBERG FARLEY & MESITI P.C.
5 Columbia Circle
Albany, New York 12203
Telephone: (518) 452-5600
Facsimile: (518) 452-5579